

**REMARKS**

This amendment is in response to the Office Action dated November 12, 2004. In that office action, the Examiner rejected claim 4 under 35 U.S.C. §101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,440,457. The Examiner provisionally rejected claims 1-3 and 5-7 for same invention double patenting over co-pending application 10/696,217.

The Examiner apparently overlooked the Preliminary Amendment of October 28, 2003 (a copy of which is attached). In that Preliminary Amendment, applicants cancelled claims 2-7 and present new claims 8-9. Thus, the rejection of claims 2-7 is moot and claims 8-9 stand without any action.

The present amendments add new (to this application) claims 10-12 that are copies of claims 2, 3 and 5 from the '217 application and new claims 13-14. Allowance is respectfully requested.

With regard to the §101 rejection of claim 4, as noted above, the Examiner has apparently overlooked the Preliminary Amendment of October 28, 2003 that, *inter alia*, cancelled claim 4. Claim 4 is not pending herein and, therefore, the rejection of claim 4 is moot.

With regard to the provisional double patenting rejection of claims 1-3 and 5-7, again, the Preliminary Amendment cancelled, *inter alia*, claims 2-3 and 5-7, so the rejection of those claims is moot. With regards to Claim 1, Applicant request that the provisional double patenting rejection be held in abeyance, pending the issuance or abandonment of the co-pending application 10/696,217

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As there is no longer any basis for actual §101 double patenting rejections, and the provisional rejection has been requested to be held in abeyance, applicants respectfully request early allowance of pending claims 1 and 8-14.

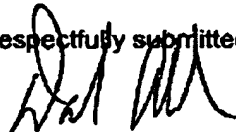
The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 10-0750.

Please direct any questions to the undersigned attorney at (650) 564-2498.

Dated: 3/11/05

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